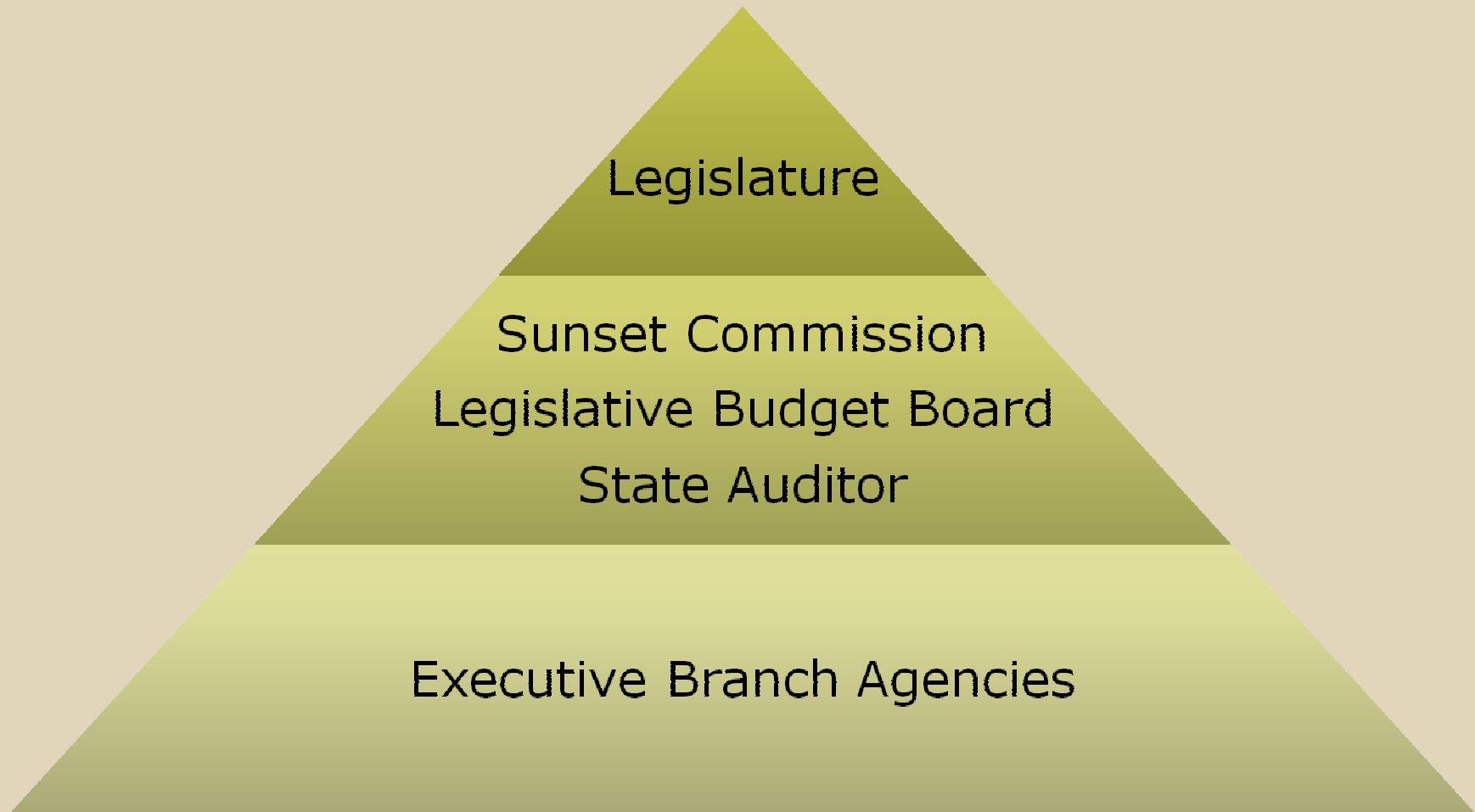


Texas Sunset Advisory Commission

Overview of the Sunset Process in Texas



Legislative Oversight in Texas

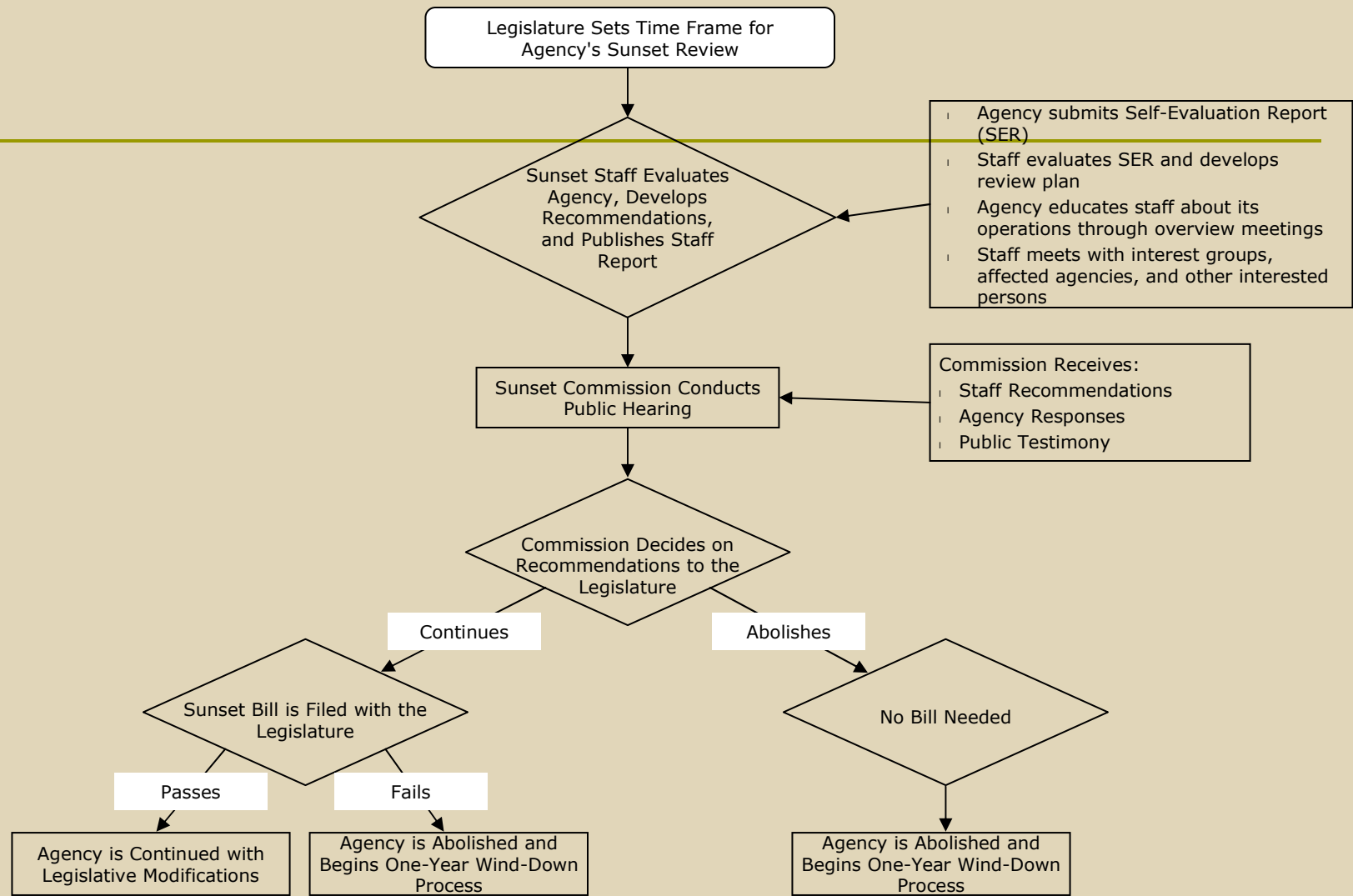


What Is Sunset?

- Regularly assesses Texas' need for an agency and its functions
- Strengthens the Legislature's oversight of state government
- Increases accountability for how and why agencies spend taxpayer dollars
- Provides a structure to make government smaller and smarter
- Offers an opportunity for public input into the mission and future of a state agency

How Does Sunset Work?

- Legislature sets review schedule and agencies' Sunset date
- Staff evaluates agencies under review using criteria outlined in the Texas Sunset Act
- Staff issues report on each agency with recommendations to continue or not, and how to improve if agency is needed
- Sunset hearings offer a forum for public input
- Sunset Commission makes decisions, which are then drafted into legislation
- Sunset bill must pass for agency to continue



Schedule

- Legislature sets in Statute
- Expiration clause for about 150 agencies
- Spread over 12 years (six biennia)

"The (agency) is subject to the Sunset Act. Unless continued in existence as provided by that Act, the (agency) is abolished September 1, 2011."

Staff Evaluation

- ❑ Self-Evaluation Report
- ❑ Research
- ❑ Review Plan
- ❑ Overview Meetings with Agency
- ❑ Interest Groups and Public
- ❑ In-depth Interviews
- ❑ Data Collection
- ❑ Internal Progress Review & Approval
- ❑ Writing, Editing and Report Production

How Do Agencies Participate?

- Self-Evaluation Report
- Overview meeting
- Interaction with Sunset staff
- Responding to information requests
- Exit meeting
- Public hearings
- Legislative process

How Can the Public Participate?

- Interest groups and individual involvement
- Correspondence and surveys
- Written comment on Sunset reports
- Public testimony at Sunset Commission hearings
- Participation in the legislative process
- Contacting legislators

What Standards Are Used?

- Specific criteria defined in Texas Sunset Act
- Questions Sunset asks *include*:
 - How efficiently and effectively does the agency operate?
 - Is the agency meeting its mission, goals, and objectives?
 - Can the agency's operations be less burdensome, yet still protect and serve the public?
 - Does overlap with other entities exist?
 - Does the agency address complaints promptly?
 - Does the agency encourage & use public participation?

Sunset Across-the-Board Recommendations

- ❑ Sunset “ATBs” are good government standards applied to all agencies under Sunset Review.
- ❑ Examples include:
 - Public membership on boards
 - Prohibitions on conflicts of interest
 - Grounds for removal
 - Board member training
 - Information on and processing of complaints
 - Alternative dispute resolution

Sunset Licensing Model

- ❑ Occupational Licensing Model helps ensure regulated occupations are open and accountable.
- ❑ Collection of best practices gleaned from 32 years of Sunset reviews. Examples:
 - Appropriate minimum experience requirements
 - Entry not unnecessarily limited
 - Clarity of inspection process
 - Clear enforcement guidelines and timeliness
 - Sufficient range of penalties

Role of Sunset Commission

- ❑ Report Released, Request Comment
- ❑ Conducts Public Hearing
 - Staff Presentations
 - Question/Answer
 - Agency Response
 - Public Comment
- ❑ Staff Creates Issue Docket
- ❑ Public Meeting for Commission Decisions
 - Recommendation to Legislature (bill)
 - Management Actions (to agency)

Legislative Process

- Staff/Counsel Draft Bills
- Introduction
- Generally follow regular process
- Exceptions in House and Senate Rules
 - more notice
 - limits on amendments
 - germaness
 - advance filing
- One year wind-down for abolished agencies

What Has Sunset Done?

- Abolished 59 agencies
- Consolidated functions of 12 agencies
- Positive impact of \$930 million over 29 years
- Saved more than \$28 for every dollar spent
- Made government smaller and smarter
- Increased open government & public participation
- Instituted standard “good government” policies
- Created an occupational licensing model
- Legislature has approved more than 80% of all Sunset recommendations over the last five biennia

Houston Chronicle: May 26, 2011

- "Review by the Sunset Commission — which examines whether an agency or parts of it should be abolished - traditionally is reserved for state agencies. The Sunset Commission, however, has been used to study Capitol Metro, Austin's mass transit authority. **Recommendations from that review helped drive significant organizational and operational changes at the transit agency."**

Sunset This Cycle

- 27 reviews, including:
 - Texas Commission on Environmental Quality
 - Department of Information Resources
 - Public Utility Commission of Texas
 - Railroad Commission of Texas
 - Division of Workers' Compensation of TDI
 - Capital Metropolitan Transportation Authority

Why Do We Need Sunset?

- Provides legislative oversight that strengthens agencies' accountability
- Strengthens public participation
- Improves government effectiveness
- Saves taxpayers money
- Allows the Legislature to assign special projects

Who Sunsets Sunset?

- Sunset reports directly to the Legislature
- Legislature can abolish Sunset at any time
- Legislature has evaluated and debated the need for Sunset in the past, including recent sessions
- Sunset staff conducts regular internal assessments and self-evaluations

Who Do I Contact?

- Visit Sunset on the Web: www.sunset.state.tx.us
- Call Sunset staff at 512.463.1300
- E-mail staff at sunset@sunset.state.tx.us
- Email me at ken.levine@sunset.state.tx.us

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